



itu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/721,743 Confirmation No. : 3948
Applicant : Mark COOKE et al.
Filed : November 26, 2003
TC/A.U. : 3622
Examiner : Not Yet Assigned
Title : CONFIGURABLE PRICING OPTIMIZATION SYSTEM

Docket No. : 82001-0397
Customer No. : 24633

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application.

The USPTO has waived the requirements under 37 CFR 1.98(a)(2)(I) to submit copies of U.S. Patent and U.S. Patent applications, publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003, and International Application that has entered the National Stage under 37 U.S.C. 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to PRE-OG Notice from the Office of Patent Legal Administration dated July 25, 2003, stating an Information Disclosure Statement may be filed without copies of U.S. patent and published applications for patent applications filed after June 30, 2003.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached International Search Report dated June 16, 2004, in counterpart International Application No. PCT/US03/37601.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Attorney Docket No. 82001-0397
Application No. 10/721,743

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

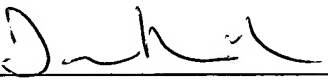
Respectfully submitted,

HOGAN & HARTSON LLP

Dated: November 15, 2004

HOGAN & HARTSON LLP
555 13th Street, N.W.
Washington, D.C. 20004
(202) 637-5600
Customer No. 24633

By: _____


Celine Jimenez Crowson
Reg. No. 40,357

David D. Nelson
Reg. No. 47,818



FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 82001-0397	APPLICATION NO. 10/721,743
	APPLICANT Mark COOKE et al.	
	FILING DATE November 26, 2003	GROUP 3622

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,970,470 A	10/19/1999	Walker et al.			
	6,044,357 A	03/28/2000	Garg			
	6,061,691 A	05/09/2000	Fox.			
	6,085,164 A	07/04/2000	Smith et al.			
	6,094,641 A	07/25/2000	Quimet et al.			
	6,223,163 B1	04/24/2001	Van Luchene			
	5,752,238 A	03/12/1998	Dedrick			
	5,873,069 A	02/16/1999	Reuhl et al.			
	5,878,400 A	03/02/1999	Carter et al.			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

	DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	ABSTRACT	
						Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.